

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16293 of 2018

Sanjay Kumar Son of late Sita Ram Sah Resident of Village/Mohalla-
Talimpur Warde No. 14, P.O. and P.S. - Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Collector, Munger.
3. The Sub-Divisional Officer, Munger.
4. The District Supply Officer, Munger.
5. The Executive Magistrate Sadar, Munger.
6. The Block Supply Officer, Jamalpur, Munger.
7. Hira Paswan, Anusevak Peon, Sub Divisional Officer, Munger.
8. Binod Kumar Son of Pokhar Sao
9. Rajiv Kumar Son of Binod Kumar Both are Resident of Mohalla- Babu Bazar, P.S.Jamalpur, District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Ishwar Prasad, Adv. Ms. Rinkee Kumari Sharma, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal-SC-4

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 16-07-2025

1. The writ petition is filed for the following
reliefs:-

(i) For issuance of appropriate writ in the nature of writ of certiorari for quashing/setting a-side the order contained memo no. 27 dated 15.10.2008 issued under the signature of respondent no. 3 i.e. sub-Divisional Officer Sadar, Munger. Where by and whereunder



the P.D.S. fair price shop license No. 17/87 issued in nfavour of petitioner has been cancelled without following facts and circumstances of the case.

(ii) For issuance of an appropriate writ in the nature of Mandamus commanding the respondents to revive and restore P.D.S. fair price license no. 17/87 in the favour of the petitioner in the following substantial facts and circumstances of the case.

(iii) To hold and declare that after said licence in question bearing no. 17/87 was bonadidly issued in favour of petitioner and being looked after by him but due to false illegal, malacious act of private respondents the said licence was cancelled causing great loss, injury and mental agony to the petitioner who is virtually on the verge of starvation.

(iv) For a direction to the respondents to conduct a fare, proper and prompt investigation in to the entire matter and to punish



the guilty persons in accordance with law.

(v) For grant of any other relief or reliefs. if the petitioner is found entitled for.

2. At this juncture, the Learned counsel for the respondents contended that Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 provides for the provision of appeal. Section 32(iii) read as follows:

“32 (iii). Any person aggrieved by an order of the licensing authority denying the issue or renewal of the license to the fair price shop owner or cancellation of the license may appeal to the District Officer within thirty days of the date of receipt of the order and the District Magistrate shall, as far as practicable, dispose the appeal within a period of sixty days.”

3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available under Section 32(iii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the



concerned District Magistrate, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned District Magistrate to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal within four weeks from the date of receipt of this order before the concerned District Magistrate. The delay in filing the appeal shall be condoned by the District Magistrate, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.

6. With the above said observation, the Writ petition is disposed of.

7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

